



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Re application of:

GERARD *et al.*

Appl. No. 09/438,358

Filed: November 12, 1999

For: **Compositions And Methods For  
Recombinational Cloning of  
Nucleic Acid Molecules**

Confirmation No.: 9194

Art Unit: 1636

Examiner: Leffers, Jr., G.

Atty. Docket: 0942.4640001/RWE/BJD

TECH CENTER 1600/2900

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### Fourth Supplemental Information Disclosure Statement

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided. The numbering of documents on the accompanying Form PTO-1449 is a continuation of the numbering used in Applicants' Third Supplemental Information Disclosure Statement filed in the present matter on August 1, 2002.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

This Fourth Supplemental Information Disclosure Statement is being filed prior to a first action on the merits after filing of a Request for Continued Examination (RCE) Under 37 C.F.R. § 1.114, which is being filed concurrently herewith. It is respectfully believed that no fees are required for consideration of the information contained herein.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: September 3, 2002

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